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01-991

RECEIVED

June 27, 2001

JUL 02 2001

VIA FACSIMILE AND FIRST-CLASS MAIL

FCC MAIL ROOM

Sherry A. Ingram  
Regulatory Counsel  
Verizon  
1320 North Court House Road  
Eighth Floor  
Arlington, VA 22201

Re: *C.F. Communications Corp., et. al. v. Century Telephone of Wisconsin, Inc., et. al.*

Dear Sherry:

Enclosed please find Complainant's Responses and Objections to Defendant's First Request for Production of Documents in the following cases: E-93-34 (ETS/NYPAY) and E-93-46, E-93-47, and E-93-48 (Millicom Services Company, n/k/a New York City Telecommunications Company, Inc.).

Thank you for your assistance. If you have any questions, do not hesitate to call.

Sincerely,



Albert H. Kramer

Att.

cc: Service List Attached to Responses

No. of Copies rec'd 013  
List A B C D E

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

\_\_\_\_\_  
In the Matter of )

C.F. Communications Corp., et. al., )

Complainants, )

v. )

Century Telephone of Wisconsin, Inc., )  
et. al., )

Defendants. )  
\_\_\_\_\_

EB Docket No. 01-99

File No. E-93-34

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JUL 02 2001

FCC MAIL ROOM

To: **Arthur I. Steinberg**  
**Administrative Law Judge**

**and**

**Verizon**

**COMPLAINANTS' RESPONSES AND OBJECTIONS TO DEFENDANT'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Section 1.325(a) of the Commission's rules, 47 C.F.R. § 1.325(a),  
Complainant herein responds to Defendant's First Request for Production of Documents  
to Complainant.

**GENERAL RESPONSES AND OBJECTIONS**

1. Complainant's responses to the Requests for Productions are based on the  
best information presently known to Complainant and the documents presently known and

available to Complainant, and Complainant reserves the right to amend, supplement, correct, or clarify its responses when other or additional information or documents become available, and to interpose additional objections or to move for an appropriate order when and if such becomes necessary.

2. The fact that Complainant produces documents to Defendant, or makes documents available for inspection and review by Defendant, however, does not mean that such documents provide evidence of all ANIs for the telephone lines that Complainant had in service during the period through April 16, 1997, or provide evidence of all damages incurred by Complainant during the period through April 16, 1997. Rather, additional information or documents from Defendant may be needed to ascertain all the ANIs for the telephone lines that Complainant had in service or all the damages that Complainant incurred as a result of the EUCL charges billed by Defendant.

3. Complainant will produce documents to Defendant and/or make documents available for inspection and review by Defendant, as set forth in the responses below, provided that Defendant signs an appropriate confidentiality agreement.

4. Complainant objects to these Requests for Production of Documents to the extent that they seek production of documents that are subject to the attorney-client privilege or the common interest privilege, documents that were prepared in anticipation of litigation or that otherwise constitutes protectable work product, or documents that contain or reflect confidential and proprietary business information.

5. Complainant objects to these Requests for the Production of Documents as unduly burdensome to the extent that they seek documents that are already in the possession of Defendant.

6. The term “Verizon” or “Defendant” as used in these Responses, Objections, and General Objections shall be defined to include the Defendant, Verizon New York, Inc., and any and all of its predecessor or successors, including, but not limited to, New York Telephone Company, NYNEX, and Bell Atlantic, as well as any agents, attorneys, employees, or other persons or entities acting on behalf of these entities.

### **RESPONSES AND OBJECTIONS**

1. All documents, including, but not limited to, service orders, invoices, bills, or receipts, that identify or reflect the dates of installation, suspension and disconnection during the relevant time period of each telephone line you used to provide public payphone service as to which you claim Defendant wrongfully assessed EUCL charges.

#### **Objection:**

Complainant objects to this Request for Production of Documents because Defendant, as the provider of the telephone lines to which Complainant’s phones were connected, already has in its possession the documents requested in this Request for Production and the information contained within such documents.

#### **Response:**

Subject to this specific objection and the foregoing General Objections, Complainants will make available for Defendant’s inspection, copying, and review at the offices of Dickstein Shapiro Morin & Oshinsky LLP, 2101 L Street, NW, Washington, DC

20037-1526, (202) 785-9700, non-privileged documents in Complainant's possession, custody, or control that are fairly called for by this Request.

2. All documents, including, but not limited to, service orders, invoices, bills, or receipts, that identify or reflect the location of each public payphone for which you claim you were wrongfully assessed EUCL charges during the relevant time period.

Objection:

Complainant objects to this Request for Production of Documents because Defendant, as the provider of the telephone lines to which Complainant's phones were connected, already has in its possession the documents requested in this Request for Production and the information contained within such documents.

Response:

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3. All documents, including, but not limited to, service orders, invoices, bills, or receipts, that identify or reflect whether the payphone was used to provide public telephone service where a public need existed.

Objection:

Complainant objects to this Request for Production of Documents because Defendant, as the provider of the telephone lines to which Complainant's phones were connected, already has in its possession the documents requested in this Request for Production and the information contained within such documents.

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4. All documents, including, but not limited to, bills, invoices, cancelled checks, pay stubs or receipts, that evidence your payment of EUCL charges you claim were wrongfully assessed for each month during the relevant time period.

Objection:

Complainant objects to this Request for Production of Documents because Defendant, as the provider of the telephone lines to which Complainant's phones were connected, already has in its possession the documents requested in this Request for Production and the information contained within such documents.

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5. All documents, including any communications, relating to your payment or non-payment of any EUCL charges you claim were wrongfully assessed during the relevant time period.

Objection:

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6. All documents you rely upon to support your claim for damages in this proceeding.

Response:

Subject to the foregoing General Objections, Complainants will make available for Defendant's inspection, copying, and review at the offices of Dickstein Shapiro Morin & Oshinsky LLP, 2101 L Street, NW, Washington, DC 20037-1526, (202) 785-9700, non-privileged documents in Complainant's possession, custody, or control that are fairly called for by this Request.

7. All documents or other evidentiary material relating to your computation of damages for the relevant time period.

Response:

Subject to the foregoing General Objections, Complainants will make available for Defendant's inspection, copying, and review at the offices of Dickstein Shapiro Morin & Oshinsky LLP, 2101 L Street, NW, Washington, DC 20037-1526, (202) 785-9700, non-privileged documents in Complainant's possession, custody, or control that are fairly called for by this Request.



8. All documents provided to any expert you plan to call as a witness at the hearing on this matter.

Response:

Subject to the foregoing General Objections, Complainant states that it has not yet determined whether it will call any expert witness at the hearing in this matter or the documents that will be provided to any such expert. When these determinations are made, Complainant will provide and/or make available for Defendant's inspection, copying, and review the responsive, non-privileged documents in Complainant's possession, custody, or control that are fairly called for by this Request in accordance with any expert disclosure schedule that the parties or the Administrative Law Judge may establish.

9. All documents prepared by, or under the direction or supervision of any expert you expect to call as a witness at the hearing in this matter, including reports that contain preliminary conclusions.

Response:

Subject to the foregoing General Objections, Complainant states that it has not yet determined whether it will call any expert witness at the hearing in this matter, and thus does not currently possess any documents responsive to this Request.

Dated: June 27, 2001

DICKSTEIN SHAPIRO MORIN  
& OSHINSKY LLP  
2101 L Street, N.W.  
Washington, D.C. 20037-1526  
(202)785-9700  
Attorneys for Complainants

By: Albert H. Kramer *cm*

Albert H. Kramer  
Katherine J. Henry

### CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2001, a copy of the foregoing Complainant's Responses and Objections to Defendant's First Request for Production of Documents was served by facsimile and first-class mail, postage prepaid, on Sherry A. Ingram, Verizon, 1320 North Court House Road, Arlington, VA 22201, and John M. Goodman, Verizon, 1300 I Street, NW 400W, Washington, DC 20005, and served by first-class mail, postage prepaid, on the following parties:

The Honorable Arthur I. Steinberg  
Administrative Law Judge  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room 1-C861  
Washington, DC 20554

Magalie Roman Salas, Secretary  
Office of the Commission Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TW-B204  
Washington, D.C. 20554  
(Original and Three Copies)

Tejal Mehta, Esquire  
Federal Communications Commission  
Market Disputes Resolution Division  
Enforcement Bureau  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

David H. Solomon, Chief  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

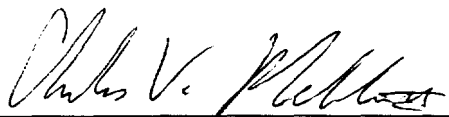
Michael Thompson, Esquire  
Wright & Talisman, P.C.  
1200 G Street, N.W.  
Washington, D.C. 20005

Rikke Davis, Esquire  
Sprint Corporation  
401 9<sup>th</sup> Street, N.W., Suite 400  
Washington, D.C. 20004

Mary Sisak, Esquire  
Robert Jackson, Esquire  
Blooston, Mordkowsky, Dickens, Duffy & Prendergast  
2120 L Street, N.W., Suite 300  
Washington, D.C. 20037

William A. Brown, Esquire  
Davida M. Grant, Esquire  
Southwestern Bell Telephone Company  
1401 I Street, N.W., Suite 1100  
Washington, D.C. 20005

Angela M. Brown, Esquire  
Theodore Kingsley, Esquire  
Bell South Telecommunications, Inc.  
675 West Peachtree Street, Suite 4300  
Atlanta, Georgia 30375

  
\_\_\_\_\_  
Charles V. Mehler III

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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In the Matter of )

C.F. Communications Corp., et. al., )

Complainants, )

v. )

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Defendants. )

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EB Docket No. 01-99

File No. E-93-46, E-93-47, E-93-48

To: **Arthur I. Steinberg**  
**Administrative Law Judge**

and

**Verizon**

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Washington, D.C. 20037-1526  
(202)785-9700  
Attorneys for Complainants

By: Albert H. Kramer  
Albert H. Kramer  
Katherine J. Henry

### **CERTIFICATE OF SERVICE**

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Administrative Law Judge  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room 1-C861  
Washington, DC 20554

Magalie Roman Salas, Secretary  
Office of the Commission Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TW-B204  
Washington, D.C. 20554  
(Original and Three Copies)

Tejal Mehta, Esquire  
Federal Communications Commission  
Market Disputes Resolution Division  
Enforcement Bureau  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

David H. Solomon, Chief  
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Federal Communications Commission  
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1200 G Street, N.W.  
Washington, D.C. 20005

Rikke Davis, Esquire  
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401 9<sup>th</sup> Street, N.W., Suite 400  
Washington, D.C. 20004

Mary Sisak, Esquire  
Robert Jackson, Esquire  
Blooston, Mordkowsky, Dickens, Duffy & Prendergast  
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Washington, D.C. 20037

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Washington, D.C. 20005

Angela M. Brown, Esquire  
Theodore Kingsley, Esquire  
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675 West Peachtree Street, Suite 4300  
Atlanta, Georgia 30375



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Charles V. Mehler III